

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 205

4  
5 By: Senators Faris, Lavery  
6  
7

## For An Act To Be Entitled

9 AN ACT TO REDUCE THE TIME LIMIT FOR FILING  
10 APPLICATIONS FOR EXECUTIVE CLEMENCY; TO ESTABLISH  
11 THAT THE TIME LIMIT BEGINS RUNNING ON THE DATE OF  
12 FILING OF AN APPLICATION FOR EXECUTIVE CLEMENCY  
13 RATHER THAN THE DATE OF DENIAL OF THE  
14 APPLICATION; AND FOR OTHER PURPOSES.

## Subtitle

16  
17 AN ACT TO REDUCE THE TIME LIMIT FOR  
18 EXECUTIVE CLEMENCY.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 5-4-607(d), pertaining to the time  
24 limitation for filing an application for pardon or commutation, is amended to  
25 read as follows:

26 (d)(1) Any person who has been convicted of capital murder, § 5-10-  
27 101, or of any Class Y or Class A felony, excluding nonviolent offenses under  
28 the Uniform Controlled Substances Act, § 5-64-101 et seq., and who makes an  
29 application shall not be eligible to reapply for a period of ~~four (4)~~ two (2)  
30 years after the date of filing of the application that was denied, except  
31 that a person whose application was denied by the Governor after receiving a  
32 majority vote by the Post Prison Transfer Board in favor of the application  
33 is eligible to reapply one (1) year after the date the application was denied  
34 by the Governor.

35 (2) ~~Applications made prior to July 30, 1999, shall be included~~  
36 ~~in determining whether a person is eligible to reapply~~ Any person who made an



1 application for pardon or commutation that was denied on or after July 1,  
 2 2004, shall be eligible to reapply for pardon or commutation two (2) years  
 3 after the date of filing of the application that was denied.

4 ~~(3)(A) Applications pending on July 30, 1999, that do not meet~~  
 5 ~~the requirements of this subdivision (a)(4) shall be dismissed.~~

6 ~~(B) Applications dismissed under this subdivision~~  
 7 ~~(a)(4)(C) shall not be included in determining future eligibility.~~

8  
 9 SECTION 2. Arkansas Code § 16-93-207(c), pertaining to the time  
 10 limitation for filing an application for pardon or commutation, is amended to  
 11 read as follows:

12 (c)(1)(A) If an application for pardon, commutation of sentence, or  
 13 remission of fine or forfeiture is denied in writing by the Governor, the  
 14 person filing the application shall not be eligible to file a new application  
 15 for pardon, commutation of sentence, or remission of fine or forfeiture  
 16 related to the same offense for a period of ~~four (4)~~ two (2) years from the  
 17 date of filing of the application that was denied ~~denial denied~~.

18 (B) Any person who made an application for pardon,  
 19 commutation of sentence, or remission of fine or forfeiture that was denied  
 20 on or after July 1, 2004, shall be eligible to file a new application two (2)  
 21 years after the date of filing of the application that was denied.

22 (2) If an application for pardon, commutation of sentence, or  
 23 remission of fine or forfeiture is deemed denied by the Governor pursuant to  
 24 subsection (b) of this section, the person filing the application may  
 25 immediately file a new application for pardon, commutation of sentence, or  
 26 remission of fine or forfeiture related to the same offense.